

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA

Western Division

(Raleigh)

CRIMINAL SESSION COMMENCING ON

**TUESDAY, September 27, 2016 AT  
9:00 A.M.**

IN COURTROOM #2 - 7<sup>th</sup> FLOOR

THE HONORABLE W. EARL BRITT, PRESIDING

Sentencing Briefs/Memoranda shall not exceed ten (10) pages and must be filed on or before the Thursday preceding the first day of the court session at which the sentencing is set; any exhibits attached to or filed in support of such briefs/memoranda shall not exceed ten (10) pages.

In regard to cases set for sentencing, no oral testimony with regard to character evidence will be received. Character letters, affidavits, or other written communications in that respect shall not exceed a total of ten (10) pages and shall be furnished to the court on or before the Thursday preceding the first day of the court session at which the sentencing is set.

Counsel noticed to be present for arraignment and trial are notified that the court has RESCINDED its previous standing order regarding the use of the term "Expert".

Counsel are requested to review the attached memorandum regarding hearings on motions for downward departure.

Scheduling conflicts must be resolved by compliance with the Guidelines for Resolving Scheduling Conflicts, rather than by motion.

Please notify the Clerk's Office if an Interpreter is required and has not been noted on the calendar.

\*\*\*\*\*NOTE\*\*\*\*\*

In all cases for trial, in addition to filing with the Clerk of Court, counsel shall submit documents required by Local Criminal Rules 24.1. and 30.1, EDNC, electronically to: documents\_judge\_britt@ncd.uscourts.gov (this email address is receipt only).

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**COMPETENCY HEARING / ARRAIGNMENT**

Vazquez-Ruiz, Magdaleno 2:16-cr-00014-1BR  
AUSA: Sebastian Kielmanovich  
ATTY: Halerie Mahan  
INTERPRETER:

**ARRAIGNMENT AND TRIAL**

Boye, Alhaji 5:16-cr-00146-1BR  
AUSA: Jason M. Kellhofer  
ATTY: Diana Helene Pereira

Gonzalez-Leal, Gabriel 5:16-cr-00194-1BR  
AUSA: Sebastian Kielmanovich  
ATTY: James E. Todd Jr.  
INTERPRETER:

Owens, Wesley Jermaine 7:16-cr-00081-1BR  
AUSA: James J. Kurosad  
ATTY: William Woodward Webb Jr.

**SENTENCING**

Edgar, Leonard Earl 2:16-cr-00003-1BR  
AUSA: John H. Bennett  
ATTY: Jennifer A. Dominguez

Bey, Akin Sean El Precise 5:15-cr-00166-1BR  
AUSA: Jonathan Philip Holbrook / Dena J. King  
ATTY: Scott L. Wilkinson

Debnam, Judson Hugh 5:15-cr-00166-4BR / 5:15-cr-00184-2FL  
AUSA: Jonathan Philip Holbrook / Dena J. King  
ATTY: Hart Miles

Macklin, Justin Antwane 5:16-cr-00037-2BR  
AUSA: Dena J. King  
ATTY: Rhonda Young

Hill, Raheid 5:16-cr-00054-2BR  
AUSA: Adam F. Hulbig / Stephen A. West  
ATTY: Diana Helene Pereira

**RESENTENCING**

Bennett, Eric Jevonne  
AUSA: Ethan A. Ontjes  
ATTY: Joseph L. Ross II / Sherri R. Alspaugh

7:08-cr-00146-1BR

**REVOCATION HEARINGS**

Vaught, Willie  
AUSA: Lawrence Jason Cameron  
ATTY: Susan M. Umstead

7:07-cr-00100-1BR

**Calendar distributed 9/8/2016 via e-mail: Judge Britt, A. Petty, A. Avery, USA, USPO, USMS, FPD, Jury Clerks, S. Proctor, Court Reporter; via CM/ECF to Counsel**

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA

W. EARL BRITT  
JUDGE

MEMORANDUM

DATE: October 25, 1994

TO: U.S. ATTORNEY  
CLERK'S OFFICE  
U.S. MARSHAL  
FEDERAL PUBLIC DEFENDER

RE: Rule 35 Motions for Downward Departure Based  
On Substantial Assistance

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This memorandum is intended to clarify my practice regarding the presence of the defendant at Rule 35 hearings for Downward Departure based on Substantial Assistance. Unless otherwise directed by me, the defendant SHALL BE PRESENT at all such hearings. If the United States Attorney feels that the motion can be effectively handled without the presence of the defendant, the MOTION itself shall set forth:

1. Whether a hearing is necessary or desired for disposition of the motion, and the reasons therefor.
2. The reason why defendant's presence is not necessary.
3. The facts on which the motion is based.
4. The recommendation, if any, of the United States Attorney with regard to the extent of departure.
5. Whether a discussion has been held with counsel for defendant regarding the necessity of defendant being present at any hearing and, if so, the position of counsel for defendant.

/s/

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W. EARL BRITT